

REMARKS

Claims 1-28 are pending in the application. Claims 1 and 22 are the only independent claims.

Claims Rejections - 35 U.S.C. § 112

Claims 12-17 and 28 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner specifically maintains that the phrase “placing of said flexible surface in contact with” in claims 12-14, 16, and 17 has insufficient basis in the respective claims and that the term “said bag” in claim 28 has insufficient antecedent basis.

In response to the rejection of claims 12-17 under 35 U.S.C. § 112, second paragraph, claims 12-14, 16 and 17 have been amended to replace the word “flexible” with the word “engagement” so that the heretofore objectionable phrase now reads “placing of said engagement surface in contact with.” This amendment corrects the former lack of antecedent basis pointed out by the Examiner.

In response to the rejection of claim 28 under 35 U.S.C. § 112, second paragraph, that claim has been amended to depend from claim 12 rather than claim 22. This change in the dependency of claim 28 provides antecedent basis for the term “said bag.”

Claims Rejections - Double Patenting

Claims 1-28 stand rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1-28 of U.S. Patent No. 6,678,403 to Wilk.

In response to the rejection of claims 1-28 under the judicially created doctrine of obviousness type double patenting, applicant submits herewith a Terminal Disclaimer duly executed by the undersigned attorney of record for applicant. Also enclosed is a copy of an assignment

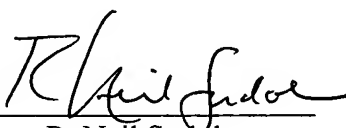
evinced the transfer of interest in the patent and the present application to Wilk Patent Development Corporation. A further enclosure is a check including the amount of Sixty-Five Dollars (\$65) in payment of the fee for the submission of a statutory disclaimer.

Inasmuch as all of the outstanding objections and rejections have been overcome, independent claims 1 and 22, as well as the claims dependent therefrom, are deemed to be in condition for allowance. An early Notice to that effect is earnestly solicited.

Should the Examiner believe that direct contact with applicant's attorney would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number below.

Respectfully submitted,

COLEMAN SUDOL SAPONE, P.C.

By: 
R. Neil Sudol
Reg. No. 31,669

714 Colorado Avenue
Bridgeport, CT 06605-1601
(203) 366-3560

Dated: January 21, 2005